

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH
CAROLINA CHARLOTTE DIVISION

3:21-cv-00501-RJC-WCM

3:23-cv-00598-RJC-WCM

FS MEDICAL SUPPLIES, LLC,

Plaintiff,

v.

TANNERGAP, INC. AND TANNER
PHARMA UK LIMITED,

Defendants.

Order

THIS MATTER is before the Court on Plaintiff's Motion to Consolidate, (Doc. No. 127), and the Magistrate Judge's Memorandum and Recommendation ("M&R"), (Doc. No. 147), recommending that this Court grant in part Plaintiff's Motion to Consolidate and recommending deadlines to be entered in a separate Pretrial Order and Case Management Plan. The parties have not filed objections to the M&R and the time for doing so has expired. Fed. R. Civ. P. 72(a). Plaintiff filed a Certificate of No Objection and Renewed Request for Entry of Pretrial Order. (Doc. No. 152).

I. BACKGROUND

No party has objected to the Magistrate Judge's statement of the factual and procedural background of this case. Therefore, the Court adopts the facts as set forth in the M&R.

II. STANDARD OF REVIEW

A magistrate judge may "hear and determine" nondispositive pretrial matters. 28 U.S.C. § 636(b)(1)(A); *see also Gupta v. Freddie Mac*, 823 F. App'x 225, 226 (4th

Cir. 2020) (per curiam); *Mvuri v. Am. Airlines, Inc.*, 776 F. App'x 810, 810–11 (4th Cir. 2019) (per curiam). A party who opposes a magistrate judge's order on a nondispositive matter must "file objections to the order within 14 days after being served with a copy." Fed. R. Civ. P. 72(a). "The district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law." *Id.* However, a party "may not assign as error a defect in the order not timely objected to." *Id.* See also *Solis v. Malkani*, 638 F.3d 269, 274 (4th Cir. 2011) (noting that failure to timely object to magistrate judge's determinations in either dispositive or nondispositive matters waives further review).

III. DISCUSSION

No objection to the M&R having been filed, and the time for doing so having passed, the parties have waived their right to review of any issue covered in the M&R. Nevertheless, this Court has conducted a full review of the M&R and other documents of record, and having done so, the Court hereby finds that the recommendation of the Magistrate Judge is, in all respects, in accordance with the law and should be approved. Accordingly, the Court **ADOPTS** the recommendation of the Magistrate Judge as its own.

IV. CONCLUSION

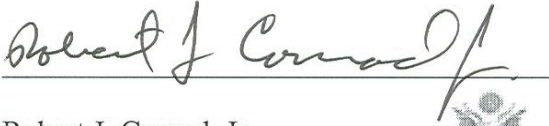
IT IS, THEREFORE, ORDERED that:

1. The Magistrate Judge's M&R, (Doc. No. 147), is **ADOPTED**;
2. Plaintiff's Motion to Consolidate, (Doc. No. 127), is **GRANTED in part** such that the matters will be consolidated for discovery purposes, and

DENIED in part, in that the matters will not be consolidated for trial at this time; and

3. A separate Pretrial Order and Case Management Plan will be entered consistent with the recommendations provided by the Magistrate Judge.

Signed: March 14, 2024

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

